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**REMARKS**

The remainder of this amendment is set forth under appropriate subheadings for the convenience of the Examiner.

**Drawings**

Applicants acknowledge the Examiner's acceptance and approval of the drawings received on October 29, 2004 as stated on page 2 of the Office Action at hand. Although the Office Action Summary item No. 10 indicates that the drawings filed on October 29, 2004 are objected to by the Examiner, Applicants interpret the statement made in the Detailed Action Item 1, page 2 of the Office Action at hand to take precedence. It is believed that what the Examiner intended to indicate in Item 10 of the Office Action Summary is that the drawings filed on October 29, 2004 are "accepted" consistent with the statement made on page 2 of the Office Action.

**Amendments to the Claims**

Base Claims 1 and 14 are now amended to incorporate a claim element of Claims 8 and 21, respectively. Base Claim 28 is similarly amended. Support for these amendments can be found in Claims 8 and 21 as originally filed as well as on Specification page 4, line 16 and page 10, lines 7-9 and 14-19 as originally filed. No new matter is introduced.

Claims 8 and 21 have been amended to be consistent with the above added claim term to base Claims 1 and 14.

Acceptance is respectfully requested.

**Rejection of Claims 1, 3-8, 12, 14, 16-21, 25, 28, 29 and 31 under 35 U.S.C. § 102(e)**

Claims 1 3-8, 12, 14, 16-21, 25, 28, 29 and 31 have been rejected under 35 U.S.C. § 102(e) as anticipated by Basso et al. (U.S. Publication No. 2002/0124262).

Applicants' invention of the instant application relates to a system for providing to users time shifted live streamed, video-audio data distributed via the Internet, where the system delivers a web site that lists upcoming live events, allows users to select events of interest from the lists and arranges for them to be recorded, and in response to user request, records the requested events. The invention system web site provides a searchable index to the subject

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streamed video-audio data during recording as well as once recorded. See Specification page 3, lines 17-24; page 4, line 16 and page 10, lines 7-9 and lines 14-19 as originally filed.

Thus, base Claims 1 and 28, as now amended, are directed to methods of providing to a user broadcast data shifted in time and a searchable index to the recorded broadcast data. In particular, as amended, the methods of Claims 1 and 28 include the step of "providing a searchable index to the recorded streamed video-audio data and to the streamed video-audio data being recorded" (or "streamed multimedia data being recorded" in Claim 28). Claim 14 is directed to an apparatus for providing to a user contents of desired ones of live events over the global computer network and as now amended includes the working server "...further providing a searchable index to the recorded streamed video-audio data and to the streamed video-audio data being recorded..."

That is, in each of the base Claims 1, 14 and 28 as now amended, a searchable index of streamed video-audio data in the process of being recorded is recited.

Basso et al. does not disclose or suggest a system of Applicants' invention where the system includes a searchable index to the streamed video-audio data being recorded (in the process of being recorded) as now claimed in base Claims 1, 14 and 28. In paragraphs [0011], [0031] and [0053] of Basso et al. cited in the Office Action, it is indicated that Basso et al. contemplated the general indexing of content to allow stored content to be made available to users. For example in paragraph [0031] Basso et al. state "...this stored content is made available to subscribers for on demand viewing. Different ways of indexing can be provided to this stored content ranging from simple time based schemes to indexing that is content aware..." However, nowhere in Basso et al. is it suggested or implied that a searchable index of the streamed video-audio in the process of being recorded (not yet stored) is provided to the end user as now claimed in base Claims 1, 14 and 28.

Therefore, the subject matter of base Claims 1, 14 and 28 is novel over Basso et al. Claims 3-8, 12, 16-21, 25-27, 29 and 31 depend from base Claims 1, 14 and 28 and thus the subject matter of these claims is also novel over Basso et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 1, 3-6, 8, 9, 11-14, 16-19, 21, 22 and 24-31 under 35 U.S.C. § 102(e)

Claims 1, 3-6, 8, 9, 11-14, 16-19, 21, 22 and 24-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. (U.S. Publication No. 2003/0149988).

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As discussed above, Applicants' invention relates to methods and apparatus for providing to users time shifted live streamed video-audio data that are distributed via a global computer network, where the methods and apparatus provide a schedule for upcoming live events to be broadcast over the global computer network, allow a user to select events of interest from the schedule and form a request for them to be recorded, and in response to the request, records the requested future event and provides a searchable index to the streamed video-audio data being recorded (in the process of being recorded). The patentably distinguishing claim language in pertinent part as recited in base Claims 1, 14 and 28 reads "...providing a searchable index to the...streamed video-audio data being recorded..." (or "...providing a searchable index to the streamed multimedia data being recorded" in Claim 28).

Ellis et al. does not imply such a searchable index to the streamed video-audio data being recorded (in the process of being recorded) as now claimed by the present invention of base Claims 1, 14 and 28. The Office Action at hand cites paragraph [0143] of Ellis et al. That passage in Ellis states that "Once the selected program is recorded, remote media server 24 or local media server 29 may provide a copy of user directory 59 to the program guide if the program guide maintains a copy of user directories." This passage speaks to providing a user directory after the selected program is recorded which teaches away from the present invention providing a searchable index to the streamed video-audio data being recorded (i.e., in the process of being recorded) as now claimed in base Claims 1, 14 and 28.

Therefore, the subject matter of base Claims 1, 14 and 28 is novel over Ellis. Claims 3-6, 8-9, 11-13, 16-19, 21-22, 24-27 and 29-31 depend from base Claims 1, 14 and 28 and thus the subject matter of these claims is also novel over Ellis. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 7, 10, 20 and 23 under 35 U.S.C. § 103(a)

Claims 7, 10, 20 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. in view of Browne et al. (WO92/22983).

Claims 7 and 10 depend from base Claim 1. Claims 20 and 23 depend from base Claim 14. As discussed above, Ellis et al. neither discloses nor suggests Applicants' invention of base Claims 1 and 14 which are now directed to including a searchable index to the streamed video-audio data being recorded. Browne et al. does not add to Ellis et al. the searchable index to streamed video-audio data being recorded (in the process of being recorded) as claimed in base

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Claims 1 and 14. Thus no combination of Browne et al. and Ellis et al. makes obvious the subject matter of Claims 7, 10, 20 and 23 which inherit the searchable index to the streamed video-audio data being recorded from base Claims 1 and 14. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection under § 103(a).

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims now presented (Claims 1, 3-14 and 16-31) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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